

**AGRICULTURE COMMITTEE**  
**ADMINISTRATIVE RULES REVIEW**  
*Table of Contents*  
*2005 Legislative Session*

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

***02.06.01 - Rules Governing the Pure Seed Law***

Docket No. ***02-0601-0401*** .....2

***02.06.16 - Crop Residue Disposal Rules***

Docket No. ***02-0616-0401*** .....10

# Senate Agriculture Committee

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.06.01 - RULES GOVERNING THE PURE SEED LAW

DOCKET NO. 02-0601-0401

#### NOTICE OF RULEMAKING - PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-418, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The proposed rule changed Subsection 500.03 to add an administrative fee of \$2.00 per test to cover the costs associated with installing and maintaining a new computer program that would allow companies to view and obtain official test results over the Internet. It added a new Subsection to Section 600.03 to allow for an exemption from an Idaho Seed Dealer's License for a seed dealer who sells, offers for sale, exposes for sale or delivers seed only in packages of less than eight (8) ounces. The department received no public comments on this rule and the pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 1, 2004 Idaho Administrative Bulletin, Volume 04-9, pages 40 through 45.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 22-418, Idaho Code. The change will allow an administrative fee of \$2.00 per test to cover the costs associated with installing and running the new software changes. Once these initial costs of the system have been recovered, the fee will be reduced to a maintenance level.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Michael E. Cooper, Acting Administrator at (208) 332-8620; Dick Lawson, Lab Manager at (208) 332-8630 or George Robinson, Bureau Chief at (208) 332-8593.

DATED this 29th day of October, 2004.

---

*The Following Notice Was Published With The Proposed Rule*

## Senate Agriculture Committee

---

**DEPARTMENT OF AGRICULTURE**  
**Rules Governing the Pure Seed Law****Docket No. 02-0601-0401**  
**PENDING FEE RULE**

---

**AUTHORITY:** In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-418, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 15, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the nontechnical explanation of the substance and purpose of the proposed rulemaking:

**To change Subsection 02.06.01.500.03 to add an administrative fee of \$2.00 per test to cover the costs associated with installing and maintaining a new computer program that will allow companies to view and obtain official test results over the Internet.**

**To add a new Subsection to Section 02.06.01.600.03 to allow for an exemption from an Idaho Seed Dealer's License for a seed dealer who sells, offers for sale, exposes for sale or delivers seed only in packages of less than eight (8) ounces.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed in increased:

**The change will allow an administrative fee of \$2.00 per test to cover the costs associated with installing and running the new software changes. Once the these initial costs of the system have been recovered the fee will be reduced to a maintenance level.**

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted due to the nature of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Michael E. Cooper, Acting Administrator at (208) 332-8620; Dick Lawson, Lab Manager at (208) 332-8630 or George Robinson, Bureau Chief at (208) 332-8593.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 22, 2004.

DATED this 28th day of July, 2004.

Patrick A. Takasugi, Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8503

# Senate Agriculture Committee

**DEPARTMENT OF AGRICULTURE**  
**Rules Governing the Pure Seed Law**

**Docket No. 02-0601-0401**  
**PENDING FEE RULE**

Fax: (208) 334-2170

## THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE

### 500. SERVICE TESTING FEES.

#### 01. Table 1. Purity, Germination and Tetrazolium Fees.

Purity, Germination and Tetrazolium Fees			
Kind of Seeds:	Purity* \$/Unit	Germination** \$/Unit	Tetrazolium \$/Unit
Alfalfa	16.00	14.00	24.50
Alkali grass	19.00	12.50	24.50
Asparagus	15.50	14.00	24.50
Beans:			
Field and Garden	13.00	14.00	22.00
Lima	12.50	19.00	22.00
Beardgrass (Bluestem)	42.00	22.00	27.50
Beets	19.50	22.00	30.00
Bentgrass and Red top	34.50	16.50	26.50
Bermuda grass	22.50	15.50	24.50
Blue Gama	26.00	19.00	24.50
Bluegrass	24.50	16.50	24.50
Brassica (Except Radish)	33.00	16.50	26.50
Brittlebrush	84.00	20.00	24.50
Bromegrass	25.50	14.00	24.50
Canary grass	19.00	13.00	24.50
Cane Bluestem	42.00	22.00	27.50
Canola/Rapeseed	36.00	16.50	26.50
Cantaloupe	15.00	13.50	24.50
Carrot	15.50	14.50	24.50
Celery	17.50	14.00	24.50
Cereals (Except Oats)	19.50	14.00	24.50
Clovers:			
Red Clover	16.50	14.00	24.50
Other Clovers	16.00	14.50	24.50
Corn	15.50	14.00	20.00
Creosotebush	70.00	20.00	27.50

# Senate Agriculture Committee

**DEPARTMENT OF AGRICULTURE**  
**Rules Governing the Pure Seed Law**

**Docket No. 02-0601-0401**  
**PENDING FEE RULE**

Purity, Germination and Tetrazolium Fees			
Kind of Seeds:	Purity* \$/Unit	Germination** \$/Unit	Tetrazolium \$/Unit
Cucumbers	15.00	13.50	24.50
Eggplant	15.00	13.50	24.50
Endive	15.00	14.00	24.50
Fescue	24.00	14.00	24.50
Flax	22.50	15.50	24.50
Green Needlegrass	19.50	18.00	24.50
Indian Ricegrass	19.00	18.00	24.50
Kochia	24.50	14.00	24.50
Leek	19.00	16.50	24.50
Lentil	15.00	14.00	24.50
Lettuce	15.50	14.00	24.50
Little/Small Burnet	16.50	15.50	24.50
Meadow Foxtail	31.50	15.00	24.50
New Zealand Spinach	15.00	23.50	30.00
Oats	21.00	14.00	24.50
Oatgrass	19.00	12.50	27.50
Okra	28.00	15.50	24.50
Onion	15.50	14.00	24.50
Orchardgrass	27.50	15.50	24.50
Parsley	16.00	14.00	24.50
Parsnip	16.00	14.00	24.50
Peas: Field and Garden	15.00	14.50	22.00
Chickpeas / Garbanzo	13.00	18.50	22.00
Pepper	15.50	14.50	24.50
Pumpkin	15.00	14.00	24.50
Radish	16.00	14.00	24.50
Rubber Rabbitbush	84.00	24.00	24.50
Ryegrass	24.00	13.50 26.50***	24.50
Sagebrush	84.00	17.50	27.50
Sainfoin	16.00	14.50	24.50
Saltbush	53.50	16.00	27.50

# Senate Agriculture Committee

## DEPARTMENT OF AGRICULTURE Rules Governing the Pure Seed Law

**Docket No. 02-0601-0401  
PENDING FEE RULE**

Purity, Germination and Tetrazolium Fees			
Kind of Seeds:	Purity* \$/Unit	Germination** \$/Unit	Tetrazolium \$/Unit
Senna	54.00	20.00	27.50
Squash	15.00	14.00	24.50
Sudangrass/Sorghum	18.50	15.50	24.50
Sunflower	23.50	14.00	24.50
Swiss Chard	19.50	22.00	30.00
Timothy	18.50	13.50	24.50
Tomato	15.50	13.50	24.50
Trefoil	16.00	14.50	24.50
Vetches	16.50	14.00	24.50
Watermelon	15.00	14.00	24.50
Wheatgrasses	36.50	16.50	24.50
Wheatgrass, fairway crested	41.00	16.50	24.50
Wild rye	25.50	13.50	24.50
Winterfat	96.00	19.50	24.50

\* All samples submitted for purity should contain a minimum of three thousand (3,000) seeds.

\*\* All samples submitted for germination should contain a minimum of eight hundred (800) seeds.

\*\*\* With Fluorescence.

(4-2-03)

### 02. Table 2. Special Testing Fees.

Table 2. Special Testing Fees	
Test Procedures:	Fees \$/Unit
All States Noxious	12.00
Ammonia Test	33.00
<b>Canada:</b> Purity Germination	13.00 Added to purity fee 2.50 Added to germination fee
Cold Test	23.50
Crop & Weed Check	24.50
Cut Test	22.00
Dormancy Percentage	5.50 or Dormant % found x germination fee

# Senate Agriculture Committee

## DEPARTMENT OF AGRICULTURE Rules Governing the Pure Seed Law

**Docket No. 02-0601-0401  
PENDING FEE RULE**

Table 2. Special Testing Fees	
Test Procedures:	Fees \$/Unit
E.C. Norms	20.00
Foreign Material	12.00
Grading (beans)	18.00
Hay Pellet Germination	18.00
Identification	3.50
Inventory Germinations (For Carryover Seed Only, when requested)	20% Discount of listed germination fee; Available only for the months of March through July.
<b>ISTA:</b>	
Purity	13.00 Added to purity fee
Germination	2.50 Added to germination fee
<b>Mixtures:</b>	
Purity	12.50 Added per kind exceeding 5%
Germination	12.50 Added per kind exceeding 5%
Tetrazolium	18.00 Added per kind exceeding 5%
Moisture Test	14.00
1,000 Seed Count	13.50
Pest, Disease, Soil & Ergot Check	13.50
Quarantine (Poa annua & Poa trivialis)	29.50
<b>Sod Quality:</b>	
Bentgrass	66.00
Bermudagrass	64.00
Bluegrass	64.00
Soil Germination	23.50
Species Test	24.50
Sprout Check	12.00
Undesirable Grass Species	25.50

(4-2-03)

### 03. Table 3. Miscellaneous Fees.

Table 3. Miscellaneous Fees	
Type of Service:	Fees \$/Unit
<u>Administrative Charge per Test for Internet Access and Data Processing.</u>	<u>Not to exceed \$2.00 per test</u>
FAX	\$ 3.00 per sheet
Hourly Charge for Analysis	\$ 38.50

# Senate Agriculture Committee

## DEPARTMENT OF AGRICULTURE Rules Governing the Pure Seed Law

Docket No. 02-0601-0401  
PENDING FEE RULE

Table 3. Miscellaneous Fees	
Type of Service:	Fees \$/Unit
Preparation Time	\$ 38.50/Hour: When necessary on germination and tetrazolium samples.
<b>Reports:</b>	
Copies	\$ 1.50
Merge Records	\$ 4.00
Retyped	\$ 4.50
Revised	\$ 7.00
Rush Service	\$ 20.00

(4-2-03)( )

**501. – 599. (RESERVED).**

### **600. SEED DEALER'S LICENSE FEES.**

Seed dealers shall obtain a seed dealer's license for each location in Idaho before they can sell, offer for sale, expose for sale or deliver agricultural seeds in packages of eight (8) ounces or more or bulk under contract within the state of Idaho. Seed dealers shall pay only for the service or services they render according to the following fee schedule: (3-18-99)

**01. In-State Seed Dealer's License Fees:** (4-2-03)

**a.** License to condition or clean agricultural seeds in Idaho - one-hundred dollars (\$100). (4-2-03)

**b.** License to label container or bulk agricultural seeds for sale in Idaho - fifty dollars (\$50). (4-2-03)

**c.** License to sell, offer for sale, expose for sale, or deliver agricultural seeds in packages of eight (8) ounces or more or in bulk under a contract in Idaho: (4-2-03)

**i.** For annual gross sales of five hundred dollars (\$500) or more, but less than one thousand dollars (\$1,000) - fifty dollars (\$50). (4-2-03)

**ii.** For annual gross sales of one thousand dollars (\$1,000) or more - one hundred dollars (\$100). (4-2-03)

**02. Out-of-State Seed Dealer's License Fee.** Two hundred fifty dollars (\$250). (4-2-03)

**03. Exemptions.** ( )

**a.** Any person selling seed who has total annual gross seed sales not exceeding five



## Senate Agriculture Committee

---

**DEPARTMENT OF AGRICULTURE**  
**Rules Governing the Pure Seed Law**

**Docket No. 02-0601-0401**  
**PENDING FEE RULE**

hundred dollars (\$500) is exempt from Section 600.

~~(4-2-03)~~( )

**b.** An in-state dealer or out-of-state dealer who sells, offers for sale, exposes for sale or delivers seed only in packages of less than eight (8) ounces is exempt from Section 600.( )

## Senate Agriculture Committee

### IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.06.16 - CROP RESIDUE DISPOSAL RULES

### DOCKET NO. 02-0616-0401

### NOTICE OF RULEMAKING - PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-4801, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule. The proposed rule change was necessary pursuant to HB 776, emergency legislation that became effective March 23, 2004. The amendment of Section 22-4804(1) Idaho Code, increased registration fees from \$1.00 per acre to \$2.00 per acre. The department received no public comment on this rule and the pending rule is being adopted as proposed. The complete text of the proposed rule was published in the June 2, 2004 Idaho Administrative Bulletin, Volume 04-6, pages 12 and 13.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 67-5226(2), Idaho Code. The Governor found that the fee or change being imposed or increased is justified and necessary to avoid immediate danger. House Bill 776 changed the registration fee for fields to be burned from one dollar (\$1) to two dollars (\$2) per acre.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Sherman K. Takatori, (208) 332-8609.

DATED this 15th day of November, 2004.

---

*The Following Notice Was Published With The Temporary And Proposed Rule*

**EFFECTIVE DATE:** The effective date of the temporary rule is March 23, 2004.

## Senate Agriculture Committee

---

**DEPARTMENT OF AGRICULTURE**  
**Crop Residue Disposal Rules****Docket No. 02-0616-0401**  
**PENDING FEE RULE**

---

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 22-4801, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 16, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**This rule change is necessary pursuant to HB 776, emergency legislation that became effective March 23, 2004. The amendment of Section 22-4804(1) Idaho Code, increases registration fees from one dollar (\$1) per acre to two dollars (\$2) per acre.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reason: To comply with the new requirements of Section 22-4804(1), of the Idaho Code, effective March 23, 2004.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger. **House Bill 776 changed the registration fee for fields to be burned from one dollar (\$1) per acre to two dollars (\$2) per acre.**

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Sherman Takatori, Program Manager at (208) 332-8609.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 23, 2004.

DATED this 11th day of May, 2004.

Patrick A. Takasugi  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8503  
Fax: (208) 334-2170

**THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE**

## Senate Agriculture Committee

---

**DEPARTMENT OF AGRICULTURE**  
**Crop Residue Disposal Rules**

**Docket No. 02-0616-0401**  
**PENDING FEE RULE**

---

### **100. REGISTRATION OF FIELDS TO BE BURNED.**

**01. Field Registration.** All persons in Idaho shall register each field to be burned with ISDA on an annual basis prior to burning crop residue. (3-16-04)

**02. Registration Forms.** Approved forms for registering fields may be obtained from offices of ISDA, IDEQ, County Extension Educators or Soil Conservation District offices. A single form is required for each person, however, more than one (1) field may be listed on a single form. County, township, range, and section for each field registered must be included on the registration form. Completed forms shall be submitted to ISDA and shall include permit numbers for any burning permits issued by county, state, or federal agencies, or local fire protection authorities. (3-16-04)

**03. Registration Fees.** All registration forms for fields located in Idaho, Lewis, Nez Perce, Clearwater, Latah, Shoshone, Benewah, Kootenai, Bonner, and Boundary counties shall be forwarded to ISDA and must be accompanied by payment of a ~~one~~ two dollars (\$~~1~~2) per acre fee. ~~(3-16-04)~~(3-23-04)T